

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

**MEMORANDUM OPINION
AND ORDER
Crim. No. 19-302 (MJD)**

Brock Kailen Esaw,

Defendant.

Evan B. Gilead, Assistant United States Attorney, Counsel for Plaintiff.

Defendant, *pro se*.

This matter is before the court on Defendant's request for the Court to lower his monthly payment under the Inmate Financial Responsibility Program ("IFRP") from \$251 to \$65 per month. (Doc. No. 97.)

Defendant pleaded guilty to three counts of bank robbery and was sentenced to 51 months imprisonment. Restitution was also ordered in the amount of \$12,150.00.

Initially, Defendant was required to pay \$65 per month under the IFRP, but he was notified that beginning April 2022, his monthly payment would

increase to \$251. (Doc. No. 97 at 1.) Defendant requests the Court to order the BOP to lower the payment back to \$65 per month.

The government responds that this Court does not have jurisdiction to grant relief as Defendant has not exhausted his administrative remedies. The BOP has an administrative remedy process by which Defendant can seek review relating to any aspect of his imprisonment. 28 CFR § 542.10. Inmates dissatisfied with their IFRP financial plan must first exhaust their administrative remedies. United States v. Clark, 953 F. Supp.2d 80 (D.D.C. 2013) (inmate disputing his IFRP payment plan must first exhaust administrative remedies).

As Defendant has not demonstrated that he has exhausted his administrative remedies, this Court cannot grant him relief at this time.

IT IS HEREBY ORDERED that Defendant's Request to Modify his Payment Plan (Doc. No. 97) is **DENIED WITHOUT PREJUDICE**.

Date: April 4, 2022

s/Michael J. Davis

Michael J. Davis

United States District Court